

Solar Array Committee

The following members serve on the Solar Array Committee :

**Councilman Dirck K. Bartlett (Primary)
(Chairman)**

Mr. Scott Kane

**Councilman Chuck F. Callahan (Alternate)
(Vice Chairman)**

Mr. Frank Cavanaugh

Mr. Michael L. Pullen (County Attorney)

Mr. Ed Heikes

Ms. Mary Kay Verdery (Planning Officer)

Mr. John Swaine, III

Mr. William Boicourt (Planning Commission)

Mr. Ryk Lesser

Mr. Phillip Councell, Jr. (Planning Commission)

Mr. Jeff Rathell, Sr.

Mr. Cory Buxton (Public Works Advisory Board)



Guest Speakers and Testimony

- Susan Gray, Deputy Director, Power Plant Research Program at Maryland DNR
- Leslie Knapp, Jr., legal and policy counsel for the Maryland Association of Counties (MACo)
- Amy Moredock, Kent County Director
- Mike Gosnell from Solar Energy
- Dana Sleeper from the MD/DC/VA Solar Industries Association
- John Hines & Paul Moffett-Easton Utilities
- Talbot County Farm Bureau
- Critical Area Commission staff
- Jeff Rathell-Choptank Electric Cooperative
- Cory Buxton-Delmarva P&L

Resolution 227

(effective June 28, 2016)

1. A moratorium on the issuance of permits for approval and construction of new photovoltaic solar array fields two (2) acres or greater in size, shall be and is hereby established for a period of six (6) months from the adoption of this Resolution.
2. This moratorium is established to allow sufficient time within which to finalize recommendations and enact appropriate legislation resulting from the pending study:
 - (a) to best promote the policies articulated in the Comprehensive Plan;
 - (b) to develop suggestions and options to minimize any adverse visual effects or impacts to agricultural activities;
 - (c) to consider restriction of photovoltaic solar array fields in certain zoning districts;
 - (d) to consider imposition of use standards;
 - (e) to consider prohibition of facilities in environmentally sensitive areas;
 - (f) to obtain such expert advice and assistance as necessary;
 - (g) to consider such other matters as the Planning Commission or County staff deem appropriate.

Definitions

- **SOLAR ENERGY SYSTEM (SES), SMALL SCALE** – SES that produce less than two hundred kilowatts (200kW) of power and utilizes less than one (1) acre. Small Scale SES include Rooftop Solar Systems of any size.
- **SOLAR ENERGY SYSTEM (SES), MEDIUM SCALE** – SES that is engineered and designed to produce at least two hundred kilowatts (200kW) but less than two megawatts (2 MW) of power. Medium Scale SES may utilize more than one (1) acre but not more than ten (10) acres.
- **SOLAR ENERGY SYSTEM (SES), LARGE SCALE** – SES that is engineered and designed to produce at least two megawatts (2 MW) of power or utilize more than ten (10) acres.

GROUND MOUNT SOLAR SYSTEM

- A Solar Energy System consisting of solar modules held in place by racks or frames that are attached to ground-based mounting supports or resting on the ground, including solar modules that function as a roof above a parking area, such as a carport.



ROOFTOP SOLAR SYSTEM

- A Solar Energy System that has its electricity-generating solar panels mounted or resting on the rooftop of a residential or commercial building or structure. The various components of such a system include photovoltaic modules, mounting systems, cables, solar inverters and other electrical accessories.



Procedures for Approval

- (a) Small Scale SES require a building permit and a planting plan for screening.
- (b) Medium Scale SES require a major site plan, building permit, and a landscaping and screening plan.
- (c) Large Scale SES require a special exception, major site plan, building permit, a landscaping and screening plan, Reservation of Development Rights Agreement(s), and mitigation.
- (d) Other site specific approvals, such as nontidal wetland permits, forest conservation plans, forest preservation plans, and habitat protection plans are also required.

Siting and Waiver Requirements

(2) Siting Requirements

- (e) Projects that result in significant loss of prime agricultural land or undue impacts to forests, wetlands, habitat protection areas, other natural resources, or environmentally sensitive areas are strongly discouraged and shall be redesigned to avoid or minimize impacts to the maximum extent practicable.

(3) Landscaping and Screening waiver.

- (a) In locations where natural features and existing vegetation are proven to meet the screening objectives of this Section, the Planning Commission may waive landscaping and screening requirements in accordance with § 190-186.

General requirements for all Solar Energy Systems (SES)

(5) Site Maintenance.

- (a) The property owner and SES owner shall be jointly and severally responsible to maintain the SES site as follows:
 - i. Vegetation and ground cover shall be established and maintained not to exceed 12” in height.
 - ii. Noxious weeds shall be controlled in accordance with State law.

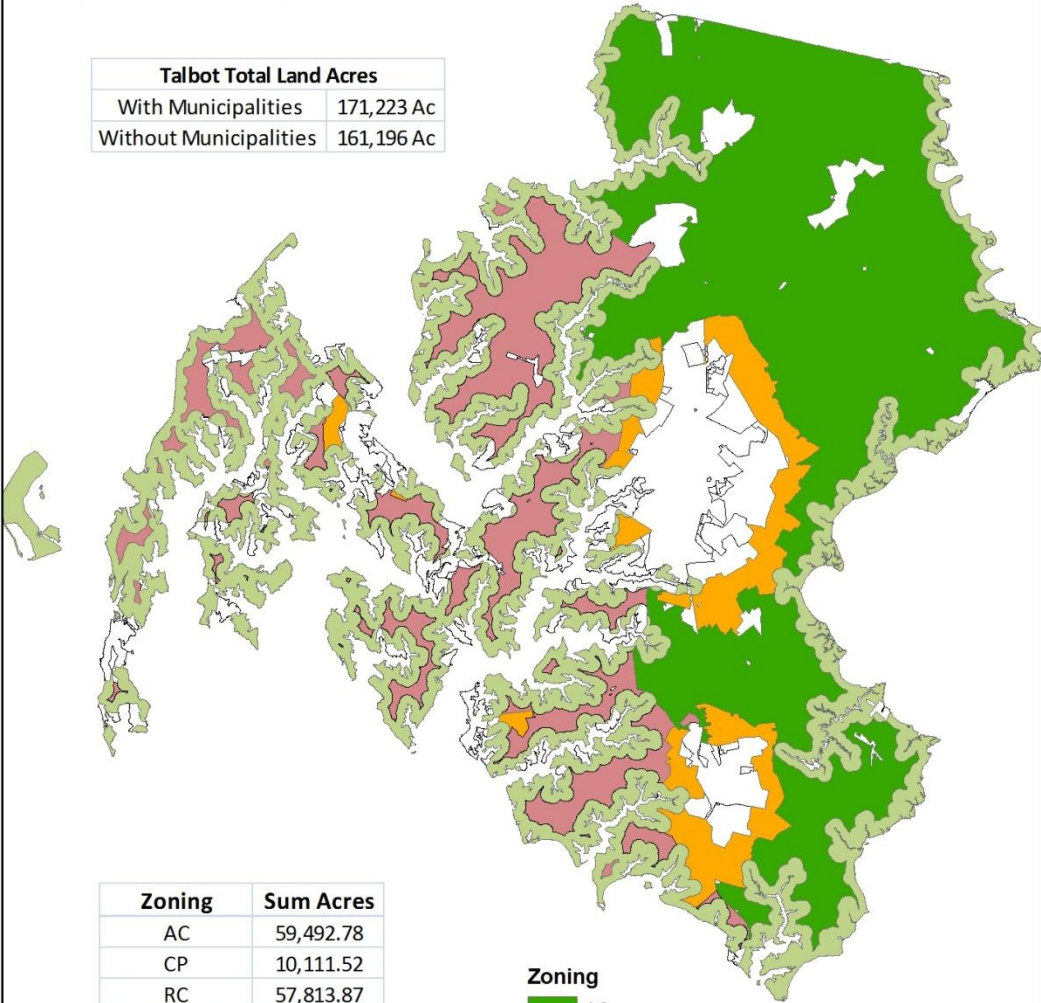
(6) Lot Coverage.

- (a) SES above pervious surfaces within the critical area are subject to lot coverage requirements and stormwater regulations.
- (b) Except for gravel drip lines and other impervious surfaces, SES outside the critical area are exempt from lot coverage requirements but are not exempt from stormwater regulations.

Solar Land Use Calculation Worksheet

The combined additional aggregate acreage in the agricultural and resource zoning districts (AC, WRC, RC, CP) utilized throughout the County by medium and large scale SES facilities shall not exceed one half percent (.5%) of the total land area in the AC, WRC, RC, and CP zones, or not more than 726 new acres after (insert effective date of Ordinance).

Talbot Total Land Acres	
With Municipalities	171,223 Ac
Without Municipalities	161,196 Ac



Zoning	Sum Acres
AC	59,492.78
CP	10,111.52
RC	57,813.87
WRC	17,783.60
Total	145,201.77
1/2% of Total	726.01

Zoning

- AC
- CP
- RC
- WRC

C. Medium and Large Scale SES. The following requirements apply to Medium and Large Scale SES:

(1) Size Limitation.

- (a) The combined additional aggregate acreage in the agricultural and resource zoning districts (AC, WRC, RC, CP) utilized throughout the County by medium and large scale SES shall not exceed one half percent (.5%) of the total land area in the AC, WRC, RC, and CP zones, or **not more than 726** new acres after *(insert effective date of Ordinance)*.

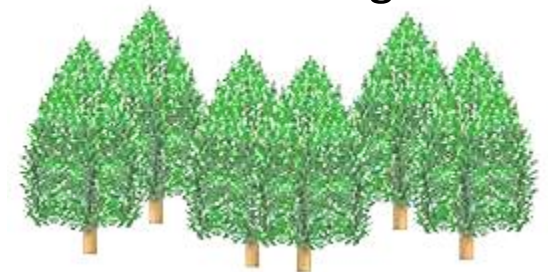
Screening

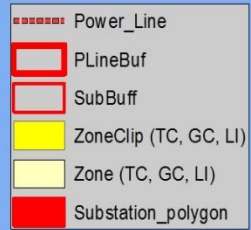


D. Medium and Large Scale SES. The following requirements apply to Medium and Large Scale SES:

(3) Screening.

- (a) The applicant shall submit a landscaping and screening plan, prepared by a licensed professional, along with the major site plan application, to provide vegetative screening from adjoining lands and road rights-of-way and road easements. The plan shall identify existing vegetation, including species, size, and the location of all proposed plant materials to be used for buffering and screening of the SES. Screening shall include a minimum of **two staggered rows of evergreen screen trees, interspersed with shrubs and low-lying native vegetation**, or an equivalent approved by the SES approving authority. The evergreen trees shall be a minimum of six feet (6') in height when planted, or an equivalent combination of tree and berm height. Existing vegetation within or near a required planting area that meets or exceeds these standards may be used to satisfy screening requirements. All required screening shall be maintained in a live, healthy condition for the duration of the SES and shall be replaced by the owner as necessary to maintain all required screening to the satisfaction of the Planning Director.





C. Medium and Large Scale SES. The following requirements apply to Medium and Large Scale SES:

(7) Decommissioning.

(a) A decommissioning plan shall be required. The plan shall include:

- [1] The expiration date of the contract, lease, easement, or other agreement for installation of the SES and a timeframe for removal of the SES within one (1) year following termination of the use.
- [2] A requirement that the operator and property owner provide written notice to the County whenever a SES is out of active production for more than six (6) months.
- [3] Removal of all above and underground equipment, structures, fencing and foundations.
- [4] Removal of substations, overhead poles, above ground electric lines located on-site or within a public right-of-way that are not usable by any other public or private utility.
- [5] Removal of lot coverage and access roads associated with the SES.
- [6] Re-grading and, if required, placement of like-kind topsoil after removal of all structures and equipment.
- [7] Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area or evidence of an approved nutrient management plan.
- [8] A recordable covenant executed by the property owner to reclaim the site in accordance with the decommissioning plan and associated approvals upon cessation of the use.
- [9] A requirement for County inspection and approval of the decommissioning and reclamation of the SES site.

C. Medium and Large Scale SES. The following requirements apply to Medium and Large Scale SES:

(8) Financial Assurance.

- (a) The operator or property owner of a Medium or Large Scale SES shall provide a bond, surety, letter or credit, lien instrument, or other **financial assurance** in a form and amount acceptable to the County to secure payment of **125%** of the anticipated cost of removal of all equipment, structures, fencing, above or below ground level, and any accessory structures, and restoration of the site in accordance with the requirements of this section if use of the SES is discontinued continuously for one (1) year. The financial assurance shall be provided prior to issuance of a building permit and shall be renewed so as to remain in full force and effect while the SES remains in place. The financial assurance shall require the obligor and the owner to provide at least ninety (90) days' prior written notice to the County of its expiration or nonrenewal. The Planning Director may adjust the amount of the surety as reasonably necessary from time to time to insure the amount is adequate to cover the cost of decommissioning, removal and restoration of the site.

D. Large Scale SES. The following requirements apply to Large Scale SES:

(1) Location.

- (a) Large Scale SES are **prohibited in the RC** zoning district.

(2) Mitigation.

- (a) Large Scale SES in the AC, WRC or CP zoning districts shall provide mitigation through a Reservation of Development Rights Agreement approved by the County and recorded among the land records of Talbot County, reserving development rights on an **equivalent area** of land in the AC, WRC, RC or CP zoning district.
- (b) The required mitigation through the Reservation of Development Rights Agreement shall remain in place and shall be extended as necessary until the SES is abandoned or discontinued, the decommissioning plan has been implemented, the work inspected and approved by the County and applicable portions of the project area have been converted back to active agricultural production.
- (c) Upon termination of the original lease term and any extensions, if the SES is to remain active, mitigation shall be provided pursuant to requirements in effect at that time.

(3) Development Rights.

- (a) An approved SES shall utilize development rights equal to the number of rights attributable to the project area with a minimum reservation of one (1) development right. The property owner shall set aside the requisite number of development rights by a Reservation of Development Rights Agreement approved by the County and recorded among the land records of Talbot County. The Agreement shall restrict development and density rights on the balance of the property to the extent the SES has used those rights for the SES until the SES has been removed, the decommissioning plan has been implemented and the site has been inspected and approved by the County. The number of rights placed under reservation shall be calculated using the base density multiplied by the total area of land encumbered by the SES and all its appurtenances.
- (b) Provided a minimum of six (6) acres is unencumbered by the SES, the three (3) additional development rights permitted in the AC, CP, WRC, and TC zoning districts shall be excluded from the required reservation of development rights. The remaining land unencumbered by the SES and the Reservation of Development Rights Agreement may be developed in accordance with the cluster requirements as defined in this Chapter.
- (c) Lots, parcels, or parts thereof are ineligible for Large Scale SES if the development rights have already been preserved, conserved, reserved or otherwise allocated for the area of land to be utilized for the SES.

Questions?

